

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 14-90059, 14-90060,
14-90086 and 14-90096

ORDER

THOMAS, Chief Judge:

A pro se litigant filed three misconduct complaints against a magistrate judge, a district judge and two circuit judges. Complainant alleges that the magistrate judge incorrectly recommended that his civil cases were frivolous in a report and recommendation, and that the district judge erroneously dismissed those cases. Complainant also claims that the circuit judges wrongly denied his motion for the appointment of counsel. These allegations relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that the judges are covering up the crimes committed against him by the defendants in his cases. Adverse rulings cannot alone prove that a conspiracy or cover-up has taken place. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because

complainant offers no other evidence to support his claims, these charges are dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant claims that all of the judges have delayed reviewing his cases. Delay is not cognizable misconduct “unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” Judicial-Conduct Rule 3(h)(3)(B); see In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009). Complainant has not provided any objective evidence that the alleged delay was habitual or improperly motivated. Because there is no evidence of misconduct, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.